

BOARD OF APPEALS CASE NO. 4904

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BEFORE THE

APPLICANT: Daniel O'Keefe

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the required front yard setback in an R2 District; 951 E. Ring Factory Road, Bel Air

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/10/99 & 3/17/99

HEARING DATE: May 5, 1999

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Record: 3/12/99 & 3/19/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Daniel O'Keefe, appeared before the Hearing Examiner requesting a variance to Section 267-23(A)(5) of the Harford County Code, to construct an addition within the required 40 foot front yard setback in an R2 District.

The subject parcel is located at 951 E. Ring Factory Road, in the Third Election District. The parcel is identified as Parcel No. 283, in Grid 2-D, on Tax Map 49. The parcel contains .591 acres, more or less, all of which is zoned R2.

Mr. Daniel O'Keefe appeared and testified that the subject parcel is improved by a single-family dwelling, a gazebo and a storage shed with dimensions of 10 feet by 12 feet. Mr. O'Keefe said that he is requesting a variance to construct an addition which will include an increase in the size of his deck and dining room. The witness said that the increase in the porch area will be 7 feet by 12 feet and the dining room will be 7 feet by 18 feet. Mr. O'Keefe said that the subject parcel is unique because it is a corner lot at the intersection of East Ring Factory Road and MacPhail Road. The witness also said that the parcel is unique due to its unusual shape.

The Applicant said that he is requesting a 3 foot variance for the porch and a 4 foot variance for the dining room and that he did not feel that the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because he has spoken with his neighbors with respect to the request and none of his neighbors expressed any concern or appeared to testify in opposition to the request.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval.

CONCLUSION:

The Applicant is requesting a variance to Section 267-23(A)(5) of the Harford County Code, to construct an addition within the required 40 foot front yard setback. The Applicant is proposing a 36 foot setback. Section 267-23(A)(5) provides:

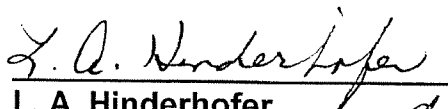
"Yards along collector and arterial roads. In the event that residential lots abut one (1) or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be forty (40) feet from a collector road and sixty (60) feet from an arterial road."

The uncontradicted testimony of the Applicant is that the subject parcel is unique because it is a corner lot and that the lot has an unusual shape which impact the required setbacks. The Applicant said he did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because he has spoken to his neighbors and none of his neighbors expressed concern, nor appeared to testify in opposition to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, the Applicant's request to reduce the setbacks to 36 feet is hereby recommended, subject to the condition that the Applicant obtain all necessary permits and inspections for the addition.

Date MAY 27, 1999



L. A. Hinderhofer
Zoning Hearing Examiner